

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR WAYNE COUNTY)

Case No. 89S00-1401-MS- 37

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Wayne Circuit and Superior Courts request the approval of amended local rules for special judge selection in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Wayne Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR89-TR79-014 and LR89-CR13-017 comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 13, and accordingly, should be approved.

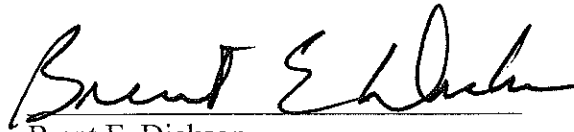
IT IS, THEREFORE, ORDERED by this Court that Wayne Circuit and Superior Court Local Rules, LR89-TR79-014 and LR89-CR13-017, set forth as attachments to this Order, are approved effective January 1, 2014, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Darrin M. Dolehanty, Wayne Superior Court 3, 301 East Main Street, Richmond, IN 47374-4200; to the Hon. Gregory A. Horn, Wayne Superior Court 2, 301 East Main Street, Richmond, IN 47374-4200; to the Hon. David Andrew Kolger, Wayne Circuit Court, 301 East Main Street, Richmond, IN 47374-4200; to the Hon. Charles K. Todd, Wayne Superior Court 1, 301 East Main Street, Richmond, IN 47374-4200; to the Clerk of the Wayne Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Wayne Circuit and Superior Courts is directed to enter this Order and attachments in the Record of Judgments and Orders for the Courts, to post this Order and

attachments for examination by the Bar and the general public, and if available, to publish this Order and attachments on the county clerk's website.

DONE at Indianapolis, Indiana, on January 16, 2014.

A handwritten signature in black ink, appearing to read "Brent E. Dickson". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Brent E. Dickson
Chief Justice of Indiana

LR89-TR79-014 SPECIAL JUDGE SELECTION IN CIVIL CASES

When the appointment of a special judge is required under Trial Rules 76 or 79 of the Indiana Rules of Trial Procedure, the provisions of this Rule constitute the exclusive local manner for the selection of special judges in circuit and superior courts in all civil and juvenile proceedings in Wayne County. The parties may agree to the selection of a special judge in accordance with the provisions of Trial Rule 79(D) of the Indiana Rules of Trial Procedure. Absent such an agreement, the Clerk of the Wayne Circuit and Superior Courts shall assign a successor judge from the remaining Wayne County judges by random selection until no Wayne County Circuit or Superior Court judge remains. If no Wayne County Circuit or Superior Court judge qualifies as special judge, the Clerk shall assign a special judge, in sequence, from the following list of judges, all of whom are within the administrative district within which Wayne County is a part, as set forth in Administrative Rule 3(A), or are from a contiguous county and have agreed to serve as special judge in the courts of Wayne County where the case is pending:

1. The presiding Judge of the Fayette Circuit Court;
2. The presiding Judge of the Fayette Superior Court;
3. The presiding Judge of the Franklin Circuit Court No. 1;
4. The presiding Judge of the Franklin Circuit Court No. 2;
5. The presiding Judge of the Randolph Circuit Court;
6. The presiding Judge of the Randolph Superior Court;
7. The presiding Judge of the Rush Circuit Court;
8. The presiding Judge of the Rush Superior Court; and
9. The presiding Judge of the Union Circuit Court.

The Clerk shall maintain such records as necessary to assure that selections are rotated in the above sequence.

LR 89-CR13-017 SPECIAL JUDGE SELECTION IN CRIMINAL CASES

When the appointment of a special judge is required under Criminal Rule 12 of the Indiana Rules of Criminal Procedure or an order of disqualification or recusal is entered in a case, or where a change of judge is granted pursuant to Indiana Post-Conviction Remedy Rule 1(4)(b), the provisions of this Rule constitute the exclusive manner for the selection of special judges in circuit and superior courts in all criminal proceedings in Wayne County. The Clerk of the Wayne Circuit and Superior Courts shall assign a successor judge from the remaining Wayne County judges by random selection until no Wayne County Circuit or Superior Court judge remains. If no Wayne County Circuit or Superior Court judge qualifies as special judge, the Clerk shall assign a special judge, in sequence, from the following list of judges, all of whom are within the administrative district within which Wayne County is a part, as set forth in Administrative Rule 3(A), or are from a contiguous county and have agreed to serve as special judge in the courts of Wayne County where the case is pending:

1. The presiding Judge of the Henry Circuit Court 1;
2. The presiding Judge of the Henry Circuit Court 2;
3. The presiding Judge of the Henry Circuit Court 3;
4. The presiding Judge of the Fayette Circuit Court;
5. The presiding Judge of the Fayette Superior Court;
6. The presiding Judge of the Franklin Circuit Court No. 1;
7. The presiding Judge of the Franklin Circuit Court No. 2;
8. The presiding Judge of the Randolph Circuit Court;
9. The presiding Judge of the Randolph Superior Court;
10. The presiding Judge of the Rush Circuit Court;
11. The presiding Judge of the Rush Superior Court; and
12. The presiding Judge of the Union Circuit Court.

The Clerk shall maintain such records as necessary to assure that selections are rotated in the above sequence.